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12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**

14 CRNOGORSKA PLOVIDBA A.D.
15 KOTOR,

16 Plaintiff,

17 vs.

18 GLOBAL AMERICAN TRANSPORT
19 LLC,

20 Defendant,

21 and

22 INMOTION HOSTING, INC.; BANK
23 OF AMERICA, N.A.,

24 Garnishees.

Case No. 2:24-cv-7601-AB-AGR

IN ADMIRALTY, Fed. R. Civ. P. 9(h)

**EX PARTE APPLICATION:
FOR ORDER DIRECTING THE
CLERK TO ISSUE MARITIME
ATTACHMENT AND
GARNISHMENT WRITS
PURSUANT TO ORDER DATED
SEPTEMBER 20, 2024 [ECF 22]**

25 Plaintiff Crnogorska Plovidba A.D. Kotor ("Kotor") applies *ex parte* for this
26 Court to further order and direct the Clerk to issue the maritime attachment and
27 garnishment writs for the property of Defendant Global American Transport LLC,
28 held or controlled by garnishees Inmotion Hosting, Inc. and Bank of America,
N.A. within this District, as this Court ordered on September 20, 2024 [ECF 22].

1 Waiver of notice for this Application is warranted under L.R. 7-19.2 for the
2 same reasons supporting Kotor's initial application for the writs and its
3 application for expedited review [ECF 6 and 18, respectively], including the
4 intangible nature of the property sought to be attached and garnished, as
5 detailed in the Verified Complaint (bank accounts and other intangible property),
6 which can be quickly removed from this District before process of maritime
attachment and garnishment issues and is executed.

7 This Application is based on the Court's September 20, 2024 Order [ECF 22],
8 the attached memorandum of points and authorities, the proposed order and
9 proposed Process of Maritime Attachment and Garnishment (writs) attached as
10 Exhibits A and B thereto, the relevant pleadings, documents and matters of
11 which the Court may take judicial notice, and such other matters which may
12 properly come before this Court

13 Date: September 25, 2024

Respectfully submitted,

14 _____
15 /s/ Neil B. Klein
16 Neil B. Klein
17 Maria del Rocio Ashby
18 McKasson & Klein LLP
Attorneys for Plaintiff Crnogorska
Plovidba A.D. Koto

19 _____
20 /s/ J. Stephen Simms
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[Pro hac vice application pending]

POINTS AND AUTHORITIES

Kotor applies *ex parte* for this Court to further order and direct the Clerk to issue the maritime attachment and garnishment writs as this Court approved and ordered on September 20, 2024 (ECF 22).

~~Good~~ cause exists for the relief requested:

First, the Court's order at ECF 22 provides:

ORDERED, that the Clerk of this Court is authorized to issue pursuant to Supplemental Rule B, as detailed in the Verified Complaint, Process of Maritime Attachment and Garnishment...

Second, undersigned counsel for Kotor has contacted the Clerk's office concerning the writs this Court ordered the Clerk to issue in Order dated Friday, September 20, 2024. On Tuesday, September 24, 2024, the Clerk's Office directed counsel to inquire and return to this Court concerning issuance of the writs, notwithstanding this Court's Order (counsel inquired with the Court by email on the same day). On Wednesday morning, September 25, 2024, the Clerk's office indicated the proposed writs were routed to the appropriate personnel for issuance by end of day on September 25th, but as of 4:00 p.m. the writs have not been issued.

Third, delay in issuance of the writs increases the likelihood that the accounts which Kotor seeks to attach/garnish can or will be removed from the custody of garnishees, thereby prejudicing Kotor.

Kotor therefore respectfully requests this Court to further order and direct the Clerk to issue the writs without further delay. A further copy of the proposed writs filed as ECF 6-2 and 6-3 (submitted with Kotor's initial application filed on September 5, 2024 [ECF 6]) are attached to the proposed order on this Application as Exhibits A and B respectively.

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Date: September 25, 2024

~~Respectfully submitted,~~

/s/ Neil B. Klein
Neil B. Klein
Maria del Rocio Ashby
McKasson & Klein LLP
Attorneys for Plaintiff Crnogorska
~~Plovidba A.D. Koto~~

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